IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:   09/702,524
Filed: October 31, 2000
Inventors:
    Robert A. Yennaco

Title: METHOD AND
    APPARATUS FOR
    PROVIDING COMPUTER-
    BASED HELP

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Examiner: Nguyen, Cao H.
Group/Art Unit: 2173
Atty. Dkt. No: 5681-85700

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

Robert C. Kowert
_____
Printed Name

_____   December 22, 2005
Signature   Date

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated below. Claims 21-67 are pending in the application. Reconsideration of the present case is earnestly requested in light of the following remarks. Please note that for brevity, only the primary arguments directed to the independent claims are presented, and that additional arguments, e.g., directed to the subject matter of the dependent claims, will be presented if and when the case proceeds to Appeal. Applicant notes the following clear errors in the Examiner's rejections.

The Examiner rejected claims 21, 22, 24, 25, 29-36, 38, 39, 43-45, 47-51, 53, 54, 58-65, 67 and 68 under 35 U.S.C. § 103(a) as being unpatentable over Cook et al. (U.S. Patent 5,727,950) (hereinafter "Cook") in view of Martinez (U.S. Patent 5,546,521). Applicant respectfully traverses this rejection for at least the reasons presented below.

Regarding claim 21, Cook in view of Martinez fails to teach or suggest maintaining a cache <u>specific to help data for one or more user interface components</u>. Cook teaches a method for interactive, adaptive, and

individualized computer-assisted instruction that provides a virtual agent or tutor adapted to each student (Cook, column 5, lines 12-24). Cook's virtual agent presents educational material and is responsive to the student actions and requests (Cook, column 12, lines 46-51, and column 13, lines 8-27). While Cook does teach that the virtual agent provides help data to the student, Cook teaches that the system is advantageously organized *to wait for student* and timer input events and then to respond appropriately to those events (Cook, column 37, line 66 – column 38, line 2).

Contrary to the Examiner's assertion, Cook clearly fails to teach or suggest maintaining a cache *specific to help data for one or more user interface components*. Cook teaches that the files or lessons for computer-aided instruction may be downloaded ahead of time. However, these files are not help data for one or more user interface components, but are "educational content such as instructional units, homework assignments, and testing" materials (Cook, column 10, lines 59-64). Further, the files downloaded by Cook are not maintained in a cache specific to help data. Cook clearly fails to teach or suggest maintaining such a cache specific to help data for one or more user interface components.

The Examiner cites Cook's teaching regarding how "[l]arge files can be downloaded in advance of a student session or the student client can cache read-only data across sessions obviating the need for downloading such files" (Cook, column 16, lines 20-22). However, Cook is clearly referring to the student's client software downloading lesson files and other educational materials for presentation to the student. Cook does not describe the downloaded files as being *help data for user interface components*. Nor does Cook mention anything regarding a cache *specific to* such help data. The files downloaded by Cook are not presented to the user as help data for user interface components. Please see Applicant's previous response (filed November 21, 2005) starting on page 3 for a more detailed discussion regarding why the downloaded files referred by the Examiner are not help data for user interface components.

In response to Applicant's arguments, the Examiner, in his Response to Arguments, again cites Cook's teachings regarding the downloading of large files and asserts that the files downloaded are of reading, mathematics and related topics, spelling, writing, and other language arts and cites column 3, lines 26-27. However, the cited passage comes from Cook's background section where Cook outlines problems *with previous solutions* to computer-based learning. The subjects listed (reading, mathematics and related topics, spelling, writing, and other language arts) are not describing Cook's system, but instead are a part of a separate system (the integrated learning system, or ILS). Cook does not describe the large files his system downloads as including such informational topics. The Examiner has improperly attributed features of a separate prior art solution, which Cook uses to illustrate problems with previous solutions to computer based instruction (and thus teaches away

from), to elements of Cook's system. Cook does not suggest using any aspects of this other prior art system. In fact, if anything, Cook teaches away from employing features of prior systems such as described at the section cited by the Examiner.

The Examiner also states in the Response to Arguments that such files are help data files for these subjects (reading, mathematics and related topics, spelling, writing, and other language arts). The Examiner is clearly incorrect. The subjects listed by the Examiner are not even described as files, and certainly not as help data files. There is no support whatsoever in the actual description of Cook to support the Examiner's assertion that the large files downloaded in Cook's system are help data files for user interface components. Cook does not teach that the large files referred to by the Examiner include the subjects included in the ILS system and listed by the Examiner. **Furthermore, regardless of whether or not the large files downloaded in Cook include the subjects listed by the Examiner, such files are not described as *help data for one or more user interface components*.**

Additionally, the Examiner argues that the files downloaded in Cook may be cached, such as on cache disk 209. Applicant is not arguing that Cook fails to teach caching at all. Applicant's argument is that Cook fails to teach or suggest "maintaining a cache *specific to* **help data for one or more user interface components**." The large files downloaded in Cook are not help data for user interface components. Whether or not Cook teaches that large student lesson files can be downloaded and even cached is completely irrelevant to whether or not Cook teaches maintaining a cache *specific to* help data for user interface components. Downloading and even caching other files does not imply or suggest maintaining a cache specific to help data for user interface components.

Further in regard to claim 21, Cook in view of Martinez clearly fails to teach or suggest that in response to receiving a request for help data for a newly referenced one of the user interface components, if the help data for the referenced user interface component is not in the cache, loading the help data for the referenced user interface component into the cache and supplying the help data for the referenced user interface component for user presentation. The Examiner relies upon Martinez for this feature. However, Martinez clearly fails to teach such a feature. Martinez teaches a help system including dynamically displaying help text for a user interface object under the mouse, but fails to teach anything regarding a *cache specific to help data* and additionally fails to teach loading the help data for a referenced component into the cache if the help data for the referenced component is not in the cache. In contrast, Martinez teaches that help data is loaded either from dynamic table 41 or static table 40. Specifically, Martinez describes that in response to determining that an object is under the mouse pointer, the help system first looks in dynamic table 41 and if it doesn't find any help text in dynamic table 41 for the object, the help system looks in static table 40 "to determine whether a help string should be displayed

to the user" (Martinez, column 6, line 64 – column 7, line 2). If the help system cannot find help data for the object, the help system "returns to monitoring the current screen location of the mouse pointer." (Martinez, column 8, lines 49-63). Neither dynamic table 41 nor static table 40 are caches as understood in the art, but instead are merely string tables from which help data is read and displayed to the user. Please see Applicant's previous response (filed November 21, 2005) on pages 5-6 for a more detailed discussion regarding Martinez use of dynamic table 41 nor static table 40.

In response to the above argument, in the Response to Arguments section of the Final Action, the Examiner again cites column 5, lines 53-57 of Martinez and repeats the same argument from the rejection of claim 21. Thus, the Examiner merely repeats his original argument without providing any actual rebuttal of Applicant's argument. As noted above, the cited passage of Martinez does not mention anything regarding loading the help data for a referenced component into the cache if the help data for the referenced component is not in the cache. Instead, the cited passage is describing the ability of "aware applications" to "dynamically update the shared memory in dynamic table database 41, from which Infomouse 35 can read help information." The cited passage of Martinez does not even mention anything about a referenced user interface component. Applicant fails to see the relevance of the Examiner's cited passage.

The Examiner also cites various passages (column 2, lines 49-54; column 5, lines 54-56; column 6, lines 1-9 and lines 42-44) from Martinez that describe different functions of Martinez' help system. However, none of these sections mentions anything regarding a cache specific to help data, nor about loading into a cache help data for a user interface component for which no help data is currently in the cache. Please see Applicant's previous response (filed November 21, 2005) on page 7 for a more detailed discussion regarding these cited passages.

Applicant submits that, contrary to the Examiner's assertion, neither Cook nor Martinez, either alone or in combination, teach or suggest: maintaining a cache specific to help data for one or more user interface components; and in response to receiving a request for help data for a newly referenced one of the user interface components: if the help data for the referenced component is not in the cache, loading the help data for the referenced user interface component into the cache. Furthermore, as explained above, any system resulting from the Examiner's proposed combination of Cook and Martinez would not include maintaining a cache specific to help data for on or more user interface components, nor would such a proposed system include loading the help data for a referenced user interface component into the cache if the help data for a referenced user interface component is not in the cache.

For at least the reasons presented above, the rejection of claim 21 is clearly not supported by the prior art and removal thereof is respectfully requested. Similar arguments apply in regard to claims 35, 49 and 63. The Examiner's rejection of many of the dependent claims is additionally erroneous. For example, the cited art is clearly insufficient to support the rejection of claims 23, 24, 26-29, 32, 37, 38, 40-43, 47, 52-56, 58, 61, 66 and 67, as discussed in detail in Applicants' previous response on pp. 9-14.
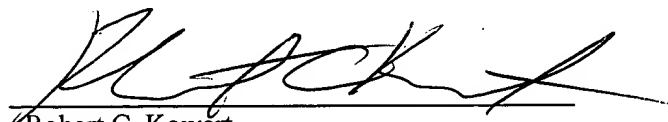
Additionally, in the Advisory Action the Examiner states, "[t]he claimed [sic] as represented, even if amended as proposal [sic], does not distinguish over the p[r]ior art combination of Cook and Martinez." However, Applicants did not propose any amendments to the claims in the Response to Final Action filed November 21, 2005. As shown above, the claims already clearly distinguish over the cited art in their present form.

In light of the foregoing remarks, Applicant submits the application is in condition for allowance, and prompt notice to that effect is respectfully requested. If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicants hereby petition for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 501505/5181-85700/RCK.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard
☒ Notice of Appeal

Respectfully submitted,

Robert C. Kowert
Reg. No. 39,255
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8850

Date: ___December 22, 2005___